



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,100	01/08/2002	Michele Crudele	GB920000117US1	6903

7590 02/25/2005
IBM Corp, IP Law
11400 Burnett Road, Zip 4054
Austin, TX 78758

EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/042,100	Applicant(s) CRUDELE ET AL.	
	Examiner Jude J Jean-Gilles	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/26/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to communication filed on 01/08/2002. Claimed priority is granted from Foreign Application 0109620.5 Filing Date: 04/19/2001.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 8, 9, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Aronberg et al (Aronberg), U.S. Patent No. 5,933,647).

Regarding **claim 1**, Aronberg teaches a method of distributing software features to a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context (*fig. 1, items 101-102; column 2, lines 52-67; column 3, lines 1-14*), the method including the steps of:

providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, at least one activity being defined as a user activity associated with at least one user profile (*column 4, lines 7-26; column 5, lines 1-38*),

storing an indication of the at least one user activity on the computer (*column 7, lines 9-41*),

accessing the computer with a current user profile (*column 4, lines 48-61*), and

retrieving and executing each user activity associated with the current user profile in the corresponding operating context (*column 5, lines 24-48*).

Regarding **claim 4**, Aronberg teaches the method according to claim 1, wherein each software feature includes a global portion and a user portion necessary in each context for activating the software feature, a corresponding item being indicative of the global activity of enforcing the global portion (*column 6, lines 48-63*) and a further corresponding item being indicative of the user activity of enforcing the user portion for each associated user profile (*column 7, lines 4-32*).

Regarding **claim 8**, Aronberg teaches the method according to claim 1, wherein the computer is a client workstation of a network, the method further including the step of receiving the distribution package on the client workstation from a server workstation through the network (*fig. 1, items 101-104; column 4, lines 13-61*).

Regarding **claim 9**, Aronberg teaches a computer program directly loadable into a working memory of a computer for performing the method of claim 1 when the program is run on the computer (*fig. 2, items 101-102; column 5, lines 38-48; column 6, lines 38-63*).

Regarding **claim 10**, Aronberg teaches a program product including a computer readable medium on which the program of claim 9 is stored(*fig. 2, items 101-102; column 5, lines 38-48; column 6, lines 38-63*).

Regarding **claim 11**, Aronberg teaches a software distribution application for use in a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context (*column 4, lines 7-61*), the software distribution application including a distribution agent for receiving a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer (*column 4, lines 7-61*), at least one activity being defined as a user activity associated with at least one user profile (*column 5, lines 1-48*), and for storing an indication of the at least one user activity on the computer, and a user agent for retrieving and executing each user activity associated with a current user profile in the corresponding operating context (*column 5, lines 24-48*).

Regarding **claim 12**, Aronberg teaches a system for distributing software features to a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context (*column 4, lines 7-61*), the system including means for providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer (*column 4, lines 7-61*), at least one activity being defined as a user activity associated with at least one user profile, means for storing an indication of the at least one user activity on the computer (*column 5, lines 1-48*), means for accessing the computer with a current user profile, and means for retrieving and executing each user activity associated with the current user profile in the corresponding operating context (*column 5, lines 24-48*).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2, 3, 5-7, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg, in view of Broster et al (Broster), U.S. Patent No. 6,424,968 B1.

Regarding **claim 2**, Aronberg teaches the invention substantially as claimed. Aronberg discloses the method of distributing software features according to claim 1, wherein at least one activity is defined as a global activity associated with all the user profiles, the method further including the steps of:

running a global agent outside the context associated with the current user profile (*column 3, lines 2-14; column 4, lines 13-61*),

executing each global activity under the control of the global agent (*column 9, lines 4-32*),

However, Aronberg does not specifically teach running a user agent in an computer system during a logon to the computer with the current user profile, each user activity being retrieved and executed under the control of the user agent.

Art Unit: 2143

In the same field of endeavor, Broster discloses (an information management computer system with a user profile with search capabilities that work over a long period of time to report after a fixed time interval or at the next logon by that user...) [see *Broster, column 10, lines 44-49*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Broster's teachings of a method and apparatus to run a user agent during a logon to the computer with the current profile, with the teachings of Aronberg, for the purpose of "*providing a transparent interface to a plurality of tools, the user being able to use the system without having to select and operate the different tools*" as stated by Broster in lines 35-39 of column 3. Thus, Aronberg also provides motivation to combine by stating a need to also provide to the network with "*the ability to provide a software distribution and desktop management system with full integration into a graphical user based system...*" [see *Aronberg, column 2, lines 45-49*]. By this rationale **claim 2** is rejected.

Regarding **claim 3**, the combination Aronberg-Broster teaches the method according to claim 2, wherein the global agent runs on the computer in a logoff condition [see *Broster, column 10, lines 44-49*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 3 [see *Broster, column 3, lines 35-39; see Aronberg, column 2, lines 45-49*]. By this rationale **claim 3** is rejected.

Regarding **claim 5**, the combination Aronberg-Broster teaches the method according to claim 4, wherein each item includes a flag defining the corresponding activity as a global activity or a generic user activity, the method further including, for each generic user activity, the steps of:

storing an indication of a completion of the generic user activity for each user profile [see *Broster, column 3, lines 25-34*], and

verifying whether the generic user activity has been completed in the context associated with the current user profile, the generic user activity being executed in the context associated with the current user profile only if the result of the verification is negative [see *Aronberg, column 7, lines 9-67*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 5 [see *Broster, column 3, lines 35-39*; see *Aronberg, column 2, lines 45-49*]. By this rationale **claim 5** is rejected.

Regarding **claim 6**, the combination Aronberg-Broster teaches the method according to claim 5, further including the steps of:

storing a global memory structure indicating a status of the global portion of each software feature [see *Aronberg, fig. 2, items 101-102; column 6, lines 48-67; column 7, lines 1-8*],

storing a user memory structure for each user profile indicating a status of the user portion of each software feature in the corresponding context [see *Aronberg, fig. 2, items 101-102; column 7, lines 9-41*], and

verifying whether each generic user activity associated with the current user profile has been completed according to a comparison between the global memory structure and the corresponding user memory structure [see *Aronberg, column 7, lines 9-67*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 6 [see *Broster, column 3, lines 35-39*; see *Aronberg, column 2, lines 45-49*]. By this rationale **claim 6** is rejected.

Regarding **claim 7**, the combination Aronberg-Broster teaches the method according to claim 5, further including the steps of:

storing an indication of each user profile allowed to have each software feature enforced [see *Aronberg, column 6, lines 48-67; column 7, lines 1-8*], and

verifying whether the current user profile is allowed to have the software feature corresponding to each generic user activity enforced, each generic user activity being executed only if the result of the verification is positive [see *Aronberg, column 4, lines 47-67; column 7, lines 9-67*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 7 [see *Broster, column 3, lines 35-39*; see *Aronberg, column 2, lines 45-49*]. By this rationale **claim 7** is rejected.

Regarding **claim 13**, the combination Aronberg-Broster teaches a system for distributing software features to a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context [see *Aronberg, fig. 2, items 101-102; column 4, lines 7-61*], the computer including a distribution agent for receiving a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer [see *Aronberg, column 4, lines 7-61*], at least one activity being defined as a user activity associated with at least one user profile, and for storing an indication of the at least one user activity on the computer [see *Aronberg, column 5, lines 1-48*], a logon module for accessing the computer with a current user profile, and a user agent for retrieving and executing each user activity associated with the current user profile in the corresponding operating context [see *Broster, column 10, lines 44-49*]. The same motivation that was utilized in the combination of claim 2, applies equally as well to claim 13 [see *Broster, column 3, lines 35-39; see Aronberg, column 2, lines 45-49*]. By this rationale **claim 13** is rejected.

Art Unit: 2143

Conclusion

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

February 16, 2005

William C. Vane
Primary Examiner
Art Unit 2143
William C. Vane

